

REMARKS

This Application has been carefully reviewed in light of the Final Office Action. Applicant appreciates the Examiner's consideration of the Application. In order to advance prosecution of this Application, Applicant has responded to each notation by the Examiner. Applicant respectfully requests reconsideration and favorable action in this case.

Specification Amendments

Applicant has amended the Specification to include subject matter of the passages at Col. 13, Line 17 – Col. 14, Line 12 and Col. 24, Line 60 – Col. 25, Line 13 and of U.S. Patent No. 6,052,681 to Harvey (“*Harvey*”), which was incorporated by reference into the Specification. (*Specification*, Page 6, Lines 27-31.)

Claim Amendments

Applicant has amended independent Claims 1 and 11 to recite “the ‘in’ table comprising the information entry in a normalized format, the ‘out’ table comprising the information entry in a raw format.” Support for this amendment may be found at, for example, at least the passages at Col. 13, Line 17 – Col. 14, Line 12 and Col. 24, Line 60 – Col. 25, Line 13 of *Harvey*, which was incorporated by reference into the Specification. (*Specification*, Page 6, Lines 27-31.)

Claim Objections

The Examiner objects to Claims 1-5 as not being directed to statutory subject matter. Applicant respectfully traverses these objections. In particular, Applicant respectfully notes that such objections are improper. According to the M.P.E.P., an objection is appropriate when “the form of the claim (as distinguished from its substance) is improper.” (M.P.E.P. § 706.01.) Since statutory subject matter involves the substance of a claim, the objections to Claims 1-5 are improper. Accordingly, Applicant respectfully requests reconsideration and favorable action.

Section 112 Rejections

The Examiner rejects Claims 1 and 11 under 35 U.S.C. § 112, first paragraph, stating that the claims fail to comply with the enablement requirement. Applicant respectfully

traverses these rejections. In order to advance prosecution, however, Applicant has removed “an initial information entry identifier,” rendering these rejections moot. Accordingly, Applicant respectfully requests reconsideration and allowance of Claims 1 and 11.

The Examiner rejects Claims 11-12 and 16 under 35 U.S.C. § 112, first paragraph, stating that the claims include fail to comply with the written description requirement. In particular, the Examiner points to “computer-readable medium” as not being supported by the Specification or drawing. Applicant respectfully traverses these rejections.

First, Applicant respectfully notes that “[t]he subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement.” (M.P.E.P. § 2163.02.) Thus, the specification does not have to actually say “computer-readable medium.”

Second, Claim 5, as originally filed, clearly states “wherein the instructions are implemented via a directory system such as X.500 or LDAP.” (*Specification*, Page 15, Claim 5.) The disclosure of X.500 and LDAP, at the very least, inherently discloses a “computer-readable medium,” as would be known to one skilled in the art.

For at least these reasons, Claims 11-12 and 16 are allowable under 35 U.S.C. § 112, first paragraph. Accordingly, Applicant respectfully requests reconsideration and allowance of Claims 11-12 and 16.

The Examiner rejects Claims 1 and 11 under 35 U.S.C. § 112, second paragraph, stating that the claims are indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully traverses these rejections. In order to advance prosecution, however, Applicant has removed “an initial information entry identifier,” rendering these rejections moot. Accordingly, Applicant respectfully requests reconsideration and allowance of Claims 1, 11, and 17-22.

Section 101 Rejection Regarding Software Per Se

The Examiner rejects Claims 11-12 and 16 under 35 U.S.C. § 101, stating that the claims are software per se. (Final Office Action, Page 9.) Applicant respectfully traverses these rejections.

Independent Claim 11 includes “a computer-readable medium” and “means, encoded in the computer-readable medium.” According to the M.P.E.P., “a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure’s functionality to be realized, *and is thus statutory.*” (M.P.E.P. § 2106.01(I) (emphasis added).) As a result, the Examiner’s continued rejection of independent Claim 11 is contrary to the M.P.E.P.

For at least this reason, independent Claim 11 and its dependent claims are allowable under 35 U.S.C. § 101. Accordingly, Applicant respectfully requests reconsideration and allowance of Claims 11-12 and 16.

Section 101 Rejections Regarding Abstract Ideas

The Examiner rejects Claims 1-5 and 15 under 35 U.S.C. § 101, stating that the claims deal with an abstract idea. Applicant respectfully traverses these rejections.

For example, in rejecting these claims, the Examiner relies on M.P.E.P. § 2106(IV)(B)(2)(b)(ii). (Final Office Action, Page 5.) Applicant, however, respectfully notes that the current M.P.E.P. does not include such a section.

Furthermore, Applicant respectfully points out that the M.P.E.P. clearly states that a practical application of an abstract idea is eligible for patent protection. (M.P.E.P. § 2106(IV)(C)(2).) Additionally, the M.P.E.P. further states that “[a] claimed invention is directed to a practical application” when it “otherwise produces a useful, concrete and tangible result.” (M.P.E.P. § 2106(IV)(C)(2).)

In applying this “useful, concrete and tangible result” standard, the Federal Circuit in *State Street* explicitly held:

[T]ransformation of data, representing discrete dollar amounts, by a machine through a series of mathematical calculations into a final share price, constitutes a practical application of a mathematical algorithm, formula, or calculation, because it *produces ‘a useful, concrete, and tangible result’—a final share price momentarily fixed for recording and reporting purposes* and even accepted and relied upon by regulatory authorities and in subsequent trades.”

(*State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 149 F.3d 1368, 1373 (Fed. Cir. 1998) (emphasis added).)

Claim 1, as amended, clearly states “amending ... the database system by adding the information entry to or removing the information entry from the database system” (emphasis added). Just as a final share price momentarily fixed for recording and reporting purposes is a useful, concrete, and tangible result in *State Street*, amending the database system also produces a useful, concrete, and tangible result—an amended database system for storing and searching for the information entry.

For at least this reason, independent Claim 1 and its dependent claims are allowable under 35 U.S.C. § 101. Accordingly, Applicant respectfully requests reconsideration and allowance of Claims 1-5 and 15.

Section 103(a) Rejections.

The Examiner rejects Claims 1-5, 11-12, and 15-16 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,085,188 to Bachmann et al. (“*Bachmann*”) in view of U.S. Patent No. 6,347,312 to Byrne et al. (“*Byrne*”). Applicant respectfully traverses these rejections for the reasons discussed below.

Applicant respectfully submits that the combination of *Bachmann* and *Byrne* proposed by the Examiner fails to disclose, teach, or suggest elements specifically recited in Applicant’s claims. For example, the *Bachmann-Byrne* combination proposed by the Examiner fails to disclose, teach, or suggest the following recited in amended independent Claim 1:

amending, in accordance with the instruction or operation, the database system by adding the information entry to or removing the information entry from the database system, wherein:

adding the information entry comprises first adding the information entry to an ‘out’ table in the database system; and

removing the information entry comprises first removing the information entry from an ‘in’ table in the database system, the ‘in’ table comprising the information entry in a normalized format, the ‘out’ table comprising the information entry in a raw format.

The Examiner relies on a parent table and a descendent table of *Bachmann* to teach a prior version of Claim 1. (Final Office Action, Page 5.) Whether or not this is correct, *Bachmann* fails to disclose the elements of amended independent Claim 1. For example, the parent table and descendent table of *Bachmann* include unique identifiers. (*Bachmann*, Col. 2, lines 36-60.) These unique identifiers, however, are not in “a normalized format,” as is

recited in independent Claim 1. In fact, *Bachmann* specifically discloses that any normalized data is stored separately from either the parent table or the descendent table of *Bachmann*:

In a preferred embodiment, each LDAP attribute that can be searched by the user is mapped to an attribute relation that consists of two columns: EID and *normalized attribute value*. As described above, each LDAP entry is assigned a unique identifier (EID). Based on the attribute syntax, *the attributes are converted (or normalized) so that the invention can apply Structured Query Language (SQL) queries to the attribute values*. For example, if the attribute syntax is case insensitive (CIS), the attribute value will be converted to all upper case and stored in an attribute table. *The attribute table is used mainly for search operations to find the entries that match the filter criteria*.

(*Bachmann*, Col. 6, lines 26-46.) That is, the normalized data is stored in the attribute table of *Bachmann*, not the parent table or the descendent table of *Bachmann*.

Applicant further notes that modifying the *Bachmann* parent table or descendent table to include “the information entry in a normalized format” would render *Bachmann* unsatisfactory for its intended purpose. “If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” (M.P.E.P. § 2143.01(IV) (citing *In re Gordon*, 733 F.2d 900 (Fed. Cir. 1984)).)

For example, the entire purpose of the parent table and the descendent table of *Bachmann* is “to ‘filter’ lists of entries returned from a search” of the normalized data in the attribute table. (*Bachmann*, Col. 2, lines 59-61; *see also Bachmann*, Col. 6, Lines 18-41.) This filtering is achieved if the *Bachmann* parent table and descendent table include parent-child relationships and ancestor-descendent relationships. (*Bachmann*, Col. 2, Lines 46-58.) If the parent table and the descendent table of *Bachmann*, however, were modified to include “the information entry in a normalized format,” they would be *identical to the attribute table*, and thus, would always provide the same exact result as the attribute table—*ruining their ability “to ‘filter’ lists of entries returned from a search.”*

As a result, *Bachmann* fails to disclose, teach, or suggest “the ‘in’ table comprising the information entry in a normalized format, the ‘out’ table comprising the information entry in a raw format” of Claim 1 (emphasis added). Thus, the *Bachmann-Byrne* combination proposed by the Examiner fails to disclose, teach, or suggest the elements of amended independent Claim 1. For at least these reasons, independent Claim 1 and its dependent

claims are allowable under 35 U.S.C. § 103. For analogous reasons, independent Claim 11 and its respective dependent claims are allowable under 35 U.S.C. § 103. Accordingly, Applicant respectfully requests reconsideration and allowance of Claims 1-5, 11-12, and 15-16.

New Claims

Applicant has added Claims 23-26. Support for these claims may be found at, for example, at least the passages at Col. 13, Line 17 – Col. 14, Line 12 and Col. 24, Line 60 – Col. 25, Line 13 of *Harvey*, which was incorporated by reference into the Specification. (*Specification*, Page 6, Lines 27-31.)

Claims 23-26 depend from independent Claims 1 and 11. For at least the reasons discussed above with regard to Claim 1 and 11, Claims 23-26 are allowable. Accordingly, Applicant respectfully requests allowance of Claims 23-26.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicant respectfully requests full allowance of all the pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Keiko Ichiye, the Attorney for Applicant, at the Examiner's convenience at (214) 953-6494.

The Commissioner is hereby authorized to charge the amount of \$810.00 as payment of the fee required to file a Request for Continued Examination. The Commissioner is also authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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